

UNITED STATES DISTRICT COURT

for the  
Southern District of New York

Felicia Harper  
*Plaintiff*

Civil Action No.: 10 Civ 5513

v.

York Home Care  
*Defendant*

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 10-1-2010

PRO SE OFFICE  
(4)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff(s) attorney, whose name and address are:

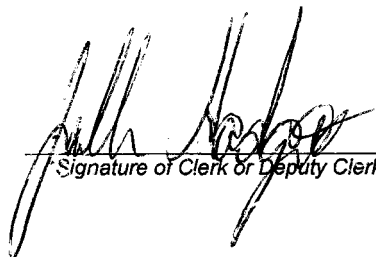
**PRO SE FELICIA HARPER**  
**101-20 94<sup>TH</sup> STREET**  
**QUEENS, NY 11416**

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 02 2010

RUBY J. KRAJICK  
CLERK OF COURT

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

STATE OF NEW YORK  
U. S. DISTRICT COURT  
ATTORNEY(S): , PH:  
ADDRESS: File No.:

COUNTY OF SOUTHERN DISTRICT

INDEX #: 10Civ5513

Date Filed:

Felicia Harper

vs

Plaintiff(s)/Petitioner(s)

York Home Care

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF QUEENS, ss.:

**AFFIDAVIT OF SERVICE**

Christian Saldana, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On September 22, 2010 at 3:46 pm  
at 112-14 Corona Avenue, Queens, NY 11368, deponent served the within  
Summons in a Civil Action and Complaint for Employment Discrimination

on: York Home Care, Defendant therein named.  
The index number and the filing date of the action were endorsed upon the face of the papers so served herein.

- #1 INDIVIDUAL ☐ By delivering a true copy of each to said Defendant personally; deponent knew the person served to be the person described as said person therein.
- #2 CORPORATION ☒ By delivering to and leaving with Greg "Doe" - supervisor and that deponent knew the person so served to be the Managing Agent of the corporation, and authorized to accept service.
- #3 SUITABLE AGE PERSON ☐ By delivering of each to, a person of suitable age and discretion. Deponent asked said individual if he/she were able to accept on behalf of said Defendant and he/she responded with an affirmative. Said premises is Defendant [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.
- Service was made in the following manner after your deponent was unable, with due diligence, to serve the Defendant in person.
- #4 AFFIXING TO DOOR ☐ By affixing of the above named process to the door of said premises, which is Defendant [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.
- #5 MAILING ☐ (use with #3 or #4) On deponent completed said service by mailing one copy of the above named process to the above address in a First Class postpaid properly addressed envelope to each Defendant marked "Personal and Confidential in an official depository under the exclusive care and custody of the United States Post Office. [ ] RPAPL 735 - one copy of the above named process was also sent by Certified Mail to each respondent to the above address which is the premises sought to be recovered.
- #6 PREVIOUS ATTEMPTS ☐ (use with #4) Deponent was unable, after due diligence, to find previously attempted to serve the above named Defendant or a person of suitable age and discretion, having called thereat  
on the day of , at  
on the day of , at  
on the day of , at
- #7 DRL Sec. 232 ☐ The required notice was legibly printed on the face of the Summons. ☐ I identified the defendant by a photograph annexed hereto which was provided by the plaintiff. ☐ I asked the person served if he/she was the person named in the Summons and he/she admitted being the person so named.
- #8 NON-SERVICE ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [ ] Unknown at Address [ ] Evading [ ] Moved left no forwarding [ ] Address does not exist [ ] Out of business [ ] Other:
- #9 DESCRIPTION ☒ (use with #1, #2 or #3) A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Gender: Male Color of skin: White Color of hair: Black Age: 30-40 yrs. Height: 5' 7" - 5' 8"  
Weight: 161 - 200 Lbs. Other:
- #10 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.
- #11 MILITARY STATUS ☐ At the time and place of service of the above named process. I asked whether he/she, the named Defendant or any other occupant(s) of the premises sought to be recovered were in the military service of the United States Government or of the State of New York or dependent upon anybody in the military service. The person served/spoken to responded "no" and wore ordinary civilian clothes and no military uniform. He/she also informed me that the Defendant wore ordinary civilian clothes and no military uniform. From the facts set forth above, I am convinced that are/is not in the military service of the United States Government or of the State of New York at the present time and that neither the respondents-tenants nor are in occupancy of the subject premises are dependent upon anyone in the active military service.

Sworn to before me on this 23rd day of September, 2010

DAVID HARRIS

NOTARY PUBLIC, State of New York  
No. 02HA5071954, Qualified in Queens County  
Commission Expires January 27, 2011

Christian Saldana

Server's Lic. # 1178721

Invoice/Work Order # 0704118

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: July 21, 2010

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FELICIA HARPER,

Plaintiff(s),

-against-

YORK HOME CARE,

Defendant(s).

ORDER

10 Civ. 5513 ( UA )

Leave to proceed in this Court without payment of fees is authorized. 28 U.S.C. § 1915.

SO ORDERED.

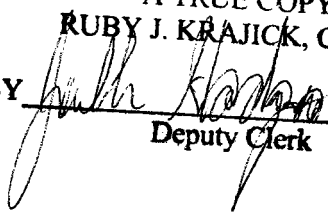


LORETTA A. PRESKA  
Chief Judge

Dated: July 21, 2010  
New York, New York

A TRUE COPY  
RUBY J. KRAJICK, CLERK

BY

  
Deputy Clerk

CERTIFIED I.F.P.